

Chapter 21

Stockbridge-Munsee Community Fish and Game Regulations

Section 21.1 Mission Statement

(A) The Stockbridge-Munsee Fish and Game Department was created to aid in the protection and conservation of the natural wildlife of the Stockbridge-Munsee Community. The purpose of the Stockbridge-Munsee Fish and Game Department is to enforce regulations and make recommendations to the Stockbridge-Munsee Tribal Council and the Stockbridge-Munsee Fish and Game Board for the preservation of said wildlife.

(B) All rules and regulations contained in this ordinance shall be reviewed annually by the Tribal Council and the Stockbridge-Munsee Fish and Game Board. The regulations and any recommended changes incorporated will be published in the tribal newsletter and will become effective on the 15th day after said publication.

Section 21.2 License Procedure

(A) No enrolled member of the Stockbridge-Munsee Community shall be required to purchase or possess a Fishing and/or Hunting permit when fishing, possessing, or transporting any fish lawfully taken within the boundaries of the Stockbridge-Munsee Indian Reservation, provided they have in their possession a valid enrollment ID card.

(B) Adult non-members who are direct descendants, spouses, or legally adopted children of enrolled members may hunt and fish provided they do so in accordance with Wisconsin state statutes of the nine-day gun season, and consistent regulations of the Wisconsin Department of Natural Resources; have a valid deer Hunting or Fishing Identification Permit issued by the Stockbridge-Munsee Tribal Council.

(C) Minor-aged direct descendants may receive a permit to hunt deer during the tribal season provided

- (1) if under 16, the minor must have completed a Hunter's Safety course,
- (2) the minor must be accompanied by an adult tribal member, and,
- (3) the minor may only take one deer per season.

Section 21.3 Permit Fees

(A) Adult direct descendants, spouse of Tribal member, legally adopted children of Tribal member fees are:

1. Hunting \$30.00 annually.
2. Fishing \$30.00 annually.
3. A Sportsman permit, valid for hunting and fishing is \$50.00 annually.

(B) Minor-aged Direct Descendants fees are:

1. Hunting \$7.50 annually if in school or graduated high school and still a minor; \$30.00 if not enrolled in school.

2. Fishing \$7.50 annually if in school or graduated high school and still a minor; \$30.00 if not enrolled in school.

(C) Permit fees for non-members may be changed by the Tribal Council. The Stockbridge-Munsee Fish and Game Board should make recommendations to Tribal Council, or the Tribal Council may consult with the Stockbridge-Munsee Fish and Game Board regarding proposed fee changes.

Section 21.4 Fishing Regulations

(A) There shall be no limitation on the taking of rough fish for personal use. The following regulations are imposed on the taking of: Brook Trout, Crappie, Northern Pike, Rainbow Trout, Rock Bass, Small mouth Bass, Splake, Sturgeon, Sunfish, Walleye and Steelhead.

(B) For trout there will be a size limit of seven (7) inches or better, and a limit of five (5) trout per person per day. There will be a limit of five (5) trout per day, and a limit for trout possession of fifty (50). There is a limit of (3) bass per day.

(C) All waters within the exterior boundaries shall be closed to trout fishing from October 1 to November 30. The spring hole shall be closed from October 1 to May 1 as provided in Chapter 20, section 20.10

(D) Any person violating the above seasons, using prohibited means or equipment outlined in the Natural Resources ordinance shall be subject to the prescribed civil or criminal penalties.

Section 21.5 Commercial Fishing Permits

(A) Commercial fishing will not be permitted.

Section 21.6 Hunting and Trapping Regulations

(A) As used in this section the following terms shall have the meanings given them unless the context clearly defines otherwise.

(B) Notwithstanding the following rules and regulations using prohibited means or equipment outlined in this Ordinance shall be subject to the prescribed civil or criminal penalties:

(1) "Hunting ID Permit" shall mean a card issued by the Stockbridge-Munsee Tribal Council which authorizes the holder to hunt and trap in accordance with the provisions of this ordinance.

(2) "Big game" shall mean, but not be limited to deer and bear.

(3) "Commercial taking" shall mean the taking of game, small game or fur bearing animals for the purpose of barter or sale of furs, pelts, hides or the flesh of such animals.

(4) "Fur bearing animals" shall mean beaver, mink, muskrat, otter, skunk, raccoon, fox, weasel, opossum, badger, coyote, fisher and bobcat.

(5) "Migratory birds" shall have the meaning set forth pursuant to the Migratory Bird Treaty Act, 50 CFR Part 10.

(6) "Small game" shall mean all wild animals not defined as big game or fur bearing animals.

(C) Any person who hunts or traps within the exterior boundaries of the Stockbridge-Munsee Reservation shall have in their possessions either an enrollment card or a Hunting Id Permit. This permit must be in possession when:

(1) Carrying a firearm,

(2) Shooting, trapping, taking or possessing small game or fur bearing animals within the exterior of the Stockbridge-Munsee Reservation,

(3) Transporting said game lawfully taken within the boundaries of the Stockbridge-Munsee Reservation, and,

(4) When transporting lawfully taken game outside of the tribal boundaries.

(D) There shall be no taking, possessing or transporting at any time of endangered listed in the current edition of Rare and Endangered Fish and Wildlife of the United States.

Section 21.7 Small Game Rules and Regulations

(A) Small game season shall be August 1 to the last day of February.

(B) There shall be a daily limit of ten (10) not to exceed twenty (20) in possession of taking of rabbit and squirrel.

(C) Taking Migratory Birds shall be subject to the provisions of 50 CFR Part 10.

(D) Ruffed grouse and spruce grouse shall be limited to five (5) per day per person, and the possession and transportation of these types of small game shall be limited to no more than ten (10) grouse at any time.

Section 21.8 Turkey Rules and Regulation

(A) Three (3) birds per person, one (1) tom in the spring and two (2) of either sex in the fall. Stockbridge-Munsee enrolled only.

(B) The season is closed between January 1 and March 31.

(C) Two (2) of either sex may be taken from September 30 to December 31.

(D) All harvested turkeys must be registered with the Tribal Game Warden.

(E) Stockbridge-Munsee enrolled members only may take turkey.

Section 21.9 Big Game Rules and Regulations

(A) Deer season runs from August 1 to December 31. Only bucks may be taken until October 1. The taking of deer shall be limited to two (2) per person per season.

(1) A Tribal member may apply for one special permit per season from the Director of Public Safety for the purpose of donating an antler-less deer to another Stockbridge-Munsee Tribal Member. A Permit shall not be issued unless the Public Safety Director has a list that contains the name of Tribal Member who is seeking a donated deer.

(a) The hunting Tribal Member must utilize their two tags prior to seeking the donation permit from the Director of Public Safety.

(1) The Director of Public Safety shall maintain a list of hunting Tribal Members and Tribal Members seeking a donated deer.

(2) The Director of Public Safety will designate who should be the recipient from the list of Tribal Members seeking a donated deer.

(3) After the permit is issued, the Director of Public Safety will then remove both names from the respective lists

(a) Donees are permitted to share a deer with other Tribal Members. In those cases, both names shall be removed from the list of Tribal Members seeking a donated deer.

(4) At the end of the deer hunting season, the Director of Public Safety will report to the Stockbridge-Munsee Fish and Game Board, the number of permits issued and any other relevant issues relating to the deer donation program.

(5) If a donated deer is to be taken off of the reservation, the transportation tag shall be filled out in the name of the Tribal Member receiving the deer as a donation.

(b) Hunters may donate either of their first two deer to the other Stockbridge-Munsee Tribal Members at any time provided that the deer was registered in the hunter's name.

(2) Arrowheads for deer hunting must be made of all steel barbless design, not less than one (1) inch wide for single two (2)- blades and not less than three (3) inches in circumference for three (3) or more blades. Arrowheads with blades of mill-tempered spring steel which contain a plastic core or ferrule conforming with the above dimensions, with a minimum weight of ninety (90) grain may be used.

(B) The season for taking bear shall be September 1- December 1 and shall be limited to one (1) per person per season. Stockbridge-Munsee enrolled only may take bear. Bear may not be taken with any rim fire cartridge, or with any caliber firearm of 22 caliber or less.

(1) It shall be unlawful to molest any bear in its den.

(2) Nothing in this ordinance shall prohibit the taking of any bear which poses an immediate threat to human safety, livestock or to personal property.

(C) The taking of elk and moose shall not be permitted.

Section 21.10 Trapping Rules and Regulations

(A) The season for trapping fur bearing animals shall be October 20 – April 15.

(B) All traps and fur bearing animals taken pursuant to these regulations shall have the permit ID numbers clearly marked on them.

(C) When shipping furs, the parcel must be plainly marked on the outside stating the name, address, permit number of the shipper, the number and kind of skins contained in the package. The bill of lading or receipt issued by any common carrier to a shipper shall specify the number and species of furs shipped.

(D) Hides or pelts adapted to personal use need not carry the permit number once the adaptation is completion.

(E) Stockbridge-Munsee enrolled members only may trap.

Section 21.11 Mandatory Registration / Wildlife Count

(A) Any big game (bear, deer, turkey) taken on the Stockbridge-Munsee reservation by a tribally licensed hunter must be registered. Any person who violates this provision is guilty of a Class C Infraction.

(B) Before each big game season, there will be an established location where hunters will be able to register and tag big game.

(1) Before and during the applicable hunting season, the Director of Public Safety shall publish in the Mohican News, and the Tribal posting places, the applicable registration places, phone numbers, and hours.

(C) From time to time, but at least every other year, the Game Warden or his/her designee will perform a count of the wildlife on the Reservation, particularly the bear, deer, and turkey, but also other species as needed. Data compiled is to be brought to Stockbridge-Munsee Fish and Game Board for reviews and recommendations.

Section 21.12 Commercial Hunting and Trapping

(A) Except for the exceptions listed below, there shall be no commercial taking of big game, small game or fur bearing animals. The following exceptions do not require a special permit other than the Hunting ID Permit:

(1) The skins of all fur bearing animals may be taken commercially, according to the Regulations of this Ordinance and any modification imposed by authority of this Ordinance.

(2) Hides of deer may be possessed and transported for commercial purposes and when shipped, the taker must comply with the regulations set forth in this Ordinance.

(3) Beaver, muskrat, rabbit, hare, and raccoon may be taken for commercial purposes and when transported must comply with the regulations set forth in this Ordinance.

(4) The flesh of animals enumerated herein, except that of muskrat, may not be transported outside of the State of Wisconsin.

Section 21.13 Limitations

The Tribal Council with the recommendation of the Stockbridge-Munsee Fish and Game Board may lengthen or shorten the seasons provided by these regulations, may impose seasons where none are set, or may close or prohibit trapping or hunting of specified species of small and big game, or fur bearing animals when it determines such actions are in the best interest of resource. The Tribal Council may also impose such other restrictions on the manner of taking and bag limits as it deems necessary for the preservation of the resource.

Section 21.14 Amendments

Amendments to this Ordinance will be effective upon enactment by the Stockbridge-Munsee Community Tribal Council without further review by the Secretary of Interior.

Legislative History

Amended on March 21, 2000 by Resolution No. 010-2000.

Approval by BIA April 11, 2000.

Section 21.9(A) amended creating deer donation policy by Tribal Council on January 2, 2002, Resolution Number 03-02. Approved by BIA January 15, 2002.

Legislative Note: The March 21, 2000 amendment regarding fees were not properly incorporated into the Ordinance. Upon this discovery, the appropriate fees were incorporated into the Ordinance on November 5, 2003, following the November 4, 2003 Tribal Council meeting.

On July 20, 2004, by Resolution No. 039-04, Tribal Council amended sections 21.1(A) and (B), 21.11(C), 21.13 by inserting “and the Stockbridge-Munsee Fish and Game Board;” sections 21.2(A) and (B) by deleting requirement to obtain State of Wisconsin licenses; sections 21.3(A) and (B) by changing the fees; creating section 21.3(C); deleting section 21.6(5) “Fur bearing animal”; deleting “bald eagle, elk fisher, golden eagle, marten, timber wolf, lynx or any species determined to be rare or” from section 21.6(C)(4); adding “no more than ten grouse” to section 21.7(D); adding sections 21.8(E) and 21.10(E); creating reporting requirement to section 21.9(A)(4); amending sections 21.9(A)(2) and 21.9(B) to clarify the type and size of weapon or firearm; deleted “the restrictions on the manner for taking bear are the same as outlined in (A)(1) of this section” from section 21.9(B)(1); creating section 21.11(B)(1); and creating section 21.14.